THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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Date:15-12-2005

WRIT PETITION No.26784 OF 2005

BETWEEN:

The Firsherman Co-operative Society, kodada, rep. by its President Kondaraboyana Veeraswamy.

…Petitioner

And

The District Collector, Nalgonda, Nalgonda District & others.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the respondents in causing hurdles to catch the fish by the members of the petitioner society as per the fishing order issued by the Fisheries Development Officer, Supryapet, dated 26-11-2005 for

the current year 2005-06 as bad, arbitrary and contrary to the orders issued by the Government.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader.

It is stated that the petitioner is a Co-operative Society, registered under the Andhra Pradesh Co-operative Societies Act, 1964 in the year 1982 with registration No.89/QFC/82, having 414 members and its area of operation for fishing is Ac.1,000-00 in three villages namely Venkatarapuram, Kanapuram and Kodada. It is further stated that elections for the said society were held on 16-1-2002 for a period of five years and the said period will expire by 15-1-2007. It is further stated that the Fisheries Development officer has issued a notice directing the society to pay the lease amount of Rs.1,20,822/- in respect of leasehold rights of Peda Cheruvu of Kodada for 1415 fasli i.e., 1-7-2005 to 30-6-2006 and the society paid the said amount. Subsequently, the Fisheries Development Officer issued a fishing order dated 26-11-2005 to catch the fish in Pedda Cherurvu, Kodada. The General Body of the society has passed a resolution on 9-12-2005 authorizing the members of the society to catch the fish, but the respondents 3 and 4 at the instance of the previous body and other antisocial elements, interfering with the fishing rights of the petitioner society.

As no adverse orders are passed against the petitioner and the fishing order is in operation, neither the respondents 3 and 4 nor any other person can interfere with the fishing rights of the society.

Having regard to the facts and circumstances of the case, the respondents are directed not to create any hurdles or obstacles in catching fish by the members of the petitioner society as per the fishing order issued by the Fisheries Development Officer dated 26-11-2005 for the current year 2005-06.

The writ petition is disposed of accordingly. No costs.

V.ESWARAIAH, J

Date: 15-12-2005.

Shr.